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NOTES OF CASES.

SALE OF STOCK IN BULK—CREDITOR'S RIGHTS—SEC. 2460A, VA. CODE 1904.—A creditor of one who sells his stock of goods in bulk without complying with the provisions of the statute regulating such sales is held, in *Rothchild Bros. v. Trewella* (Wash.), 68 L. R. A. 281, to have no right to maintain a direct action against the vendee to recover the amount of his claim, where the statute merely declares the sale void, without making any provision for an action against the vendee.

A statute avoiding a sale in bulk of a stock of goods unless certain steps are taken, in favor of persons who have sold goods or loaned money for continuance of the business, and rendering the vendee liable to pay their claims, is held, in *McKinster v. Sager* (Ind.), 68 L. R. A. 273, to be void as denying the other creditors equal protection of the laws.

See sec. 2460a, Va. Code, 1904; 10 Va. Law Reg. 270; 11 Va. Law Reg. (June number), 143.

CONDITIONAL SALES—VENDEE'S REFUSAL TO ACCEPT.—The vendor of a machine the title to which is not to pass until the price is paid is held, in *National Cash Register Co. v. Hill* (N. C.), 68 L. R. A. 100, to be entitled, in case of the refusal of the purchaser to accept it, to sue for the purchase price, and not to be bound to take steps to protect himself or preserve the value of the property, and sue merely for the difference between the contract price and the value of the machine. A note to this case reviews the other authorities on remedy of conditional vendor for refusal to accept.

NEW TRIAL—JUDGMENT SATISFIED.—The power of a trial court to grant, within the period allowed by statute, a new trial for newly discovered evidence is held, in *Chambliss v. Hass* (Iowa), 68 L. R. A. 126, not to be cut off by the fact that the judgment has been affirmed on appeal and execution returned satisfied. The question of the right to a new trial after the satisfaction of the judgment is the subject of a note to this case.

CRIMINAL LAW—SEDUCTION—CONDITIONAL PROMISE OF MARRIAGE—CF. SEC. 3677, VA. CODE 1904.—A prosecution for seduction is held, in *State v. O'Hare* (Wash.), 68 L. R. A. 107, not to be defeated by the fact that the woman yielded under a conditional promise of immediate marriage in case she got into trouble, under a statute providing punishment in case any person seduces and debauches an unmarried woman of previously chaste character. The Virginia statute (sec. 3677, Va. Code 1904), is similar to the Washington statute.

CRIMINAL LAW—CORPUS DELICTI—EXTRAJUDICIAL CONFESSION.—The mere extrajudicial confession of an accused is held, in *Bines v. State* (Ga.)

68 L. R. A. 33, not to be sufficient to establish the *corpus delicti*. The other authorities on proof of *corpus delicti* in criminal case are collated in an elaborate note to this case.

CRIMINAL LAW—EVIDENCE—LETTER OF ACCUSED TO WIFE.—A letter written by an accused to his wife and intercepted in transmission is held in *Hammons v. State* (Ark.), 68 L. R. A. 234; to be admissible against him.

CRIMINAL LAW—BURGLARY—OWNER OF HORSE REMOVING SAME FROM LIVERY STABLE.—That burglary may be committed by the owner of a horse in feloniously breaking and entering into a livery stable where it is kept, for the purpose of removing it and depriving the stable keeper of his lien upon it for food and care, is held in *State v. Nelson* (Wash.), 68 L. R. A. 283.

CRIMINAL LAW—HOMICIDE IN PERPETRATING CONSPIRACY TO ROB—INTENT.—One on trial for murder perpetrated in carrying out a conspiracy to rob is held, in *People v. Lawrence* (Cal.), 68 L. R. A. 193, to have no right to object to the use of the language, "even if he did not intend to take life, and regretted that it was done," in an instruction that he was guilty of murder if one of the party killed a person in carrying out the conspiracy. The other authorities on homicide in carrying out unlawful conspiracy are collated in a note to this case.

RAILROADS—NEGLIGENCE OF EMPLOYEES—DUTY TO DRUNKEN PASSENGER.—A railroad company whose employees in charge of the train knowingly permit a person who is beastly drunk to go out alone upon the platform of a moving car is held, in *Fox v. Michigan C. R. Co.* (Mich.), 68 L. R. A. 336, to be liable for injury caused by his falling from the platform.

WILLS—UNDUE INFLUENCE—PERSUASION.—Honest and moderate intercession or persuasion, unaccompanied with fraud or deceit, and where the testator has not been threatened or put to fear by the flatterer or persuader, is held, in *Kennedy v. Dickey* (Md.), 68 L. R. A. 317, not to be such undue influence as will annul a will.

INTOXICATING LIQUORS—LICENSE—FIT PERSON—SEC. 141 OF TAX BILL, VA. CODE 1904 P. 2256.—A person who, in connection with his saloon, has been running a gambling house, which he knows to be contrary to law, but which has not been interfered with by the police officers because of his payment of periodical sums as fines, is held, in *Whissen v. Furth* (Ark.), 68 L. R. A. 161, not to possess the good moral character necessary to receive a liquor license.

Sec. 141 of Tax Bill, Va. Code 1904, p. 2256, provides, in effect, that the court must be fully satisfied that the applicant for liquor license is a "fit person to conduct such business." Just what constitutes a fit person to conduct liquor business has never been determined.